

1897-002  
Lee Co.

Chancery Causes: Dillard Graham vs. Lizzie Parsons &

Andis, Humphrey, Barron, Reasor, Andis

1 Plat

CA-Estate Dispute  
T-Property

-Deed

Will: 1895 : Martha Graham : Lee County



To The Hon. Wm. T. Miller, Judge of the Circuit Court for Lee County:

Humbly complaining, your orator, Dilliard Graham, would respectfully represent and show unto your Honor: That several years ago, he and his wife, Marthat, (commonly called Mattie), bought from J.D. Graham and his wife a tract of land lying and being in Lee County, Va., in the Cane Creek country, and said to contain about 120 acres: that this land was by deed conveyed to your orator and his said wife by said J.D. Graham and wife on the 11th day of January, 1892. (a copy of which deed is here filed as exhibit "A", and prayed to be taken as a part of this bill); that from off the eastern end of this tract of land, your orator and his wife in her life time, on or about the                      day of 189                      conveyed by deed to one                      Slem about forty acres of this land, so there is now left about 80 acres of the same and that on the 6th day of October, 1892, Harvey Barton and wife and John R. Legg and wife by deed conveyed to your orator and his said wife, Lot No. four in block No. three in the town of Pennington Gap, Va., a copy of which deed is here filed as exhibit "B", and prayed to be taken as a part of this bill of Complaint.

Your orator will further show and aver unto your honor, that on the                      day of                      1895, his said wife, Martha, commonly called Mattie Graham, died testate: that by the terms of her last will, which has been duly probated, she thereby appointed <sup>and</sup> your orator as her executor, and requested no bond to be taken from him: that he on the 20th day of May, 1895, in the County Court for Lee County, did qualify as such executor: that by the terms of her will, she directed a decent burial, corresponding to her estate and her station in life, and the payment of all her just debts, which have been done, and which in the aggregate, saving nothing of many small things paid out for <sup>her</sup>, amounted to in the aggregate, \$248.00.... (and itemized statement paid by your honor for her is here filed marked "C" and prayed to be taken as a part of this bill): that at the time of her death she left <sup>Money</sup> no choses in action, or personal property, except a little house-hold and kitchen furniture: that she gave out right <sup>all</sup> her personal property



chooses in action etc. by said will to your orator: that thereby she gave to your orator for life all her real estate, which at the time of her death was an undivided moiety in said 80 acres of land and in said lot of land in the town of Pennington Gap: that by the terms of said will she gave, if her mother should survive your orator, the same real estate for her life: and therebv after the death of both, your orator and said Mourning Andes, the remainder in fee of her said interest in said lands, one-half to her sister, Lizzie Parsons and the other one-half thereof to the seven children of her dead sister, Amanda Reasor, whose names are *Manerovia Humphrey, Rebecca Burron, John Reasor, Peter Reasor, Fannie Reasor, Bill Reasor and Cass Reasor* a copy of which will is here filed as exhibit "D" and prayed to be taken as a part of this bill of complaint.

Now the object of this bill is to have said sum of money set out in exhibit "C" repaid to your orator out of the moiety of real estate of which his said wife died the owner, <sup>*if there be any*</sup> and after that is done the balance of her said moiety in said real estate, <sup>*after said debts are paid*</sup> partitioned among himself, said Lizzie Parsons, and said seven children of said said Amanda Reasor, assigning one-half of said lands, mentioned in said two deeds in fee, the residue thereof after said debts are paid to your orator for his life, and the same lands so assigned to your orator for life, assigned to Mouring Andes for her life, dependent upon the contingency of her surviving your orator: and the remainder in fee, one-half to said Lizzie Parsons, and one-half to said seven children of said Amanda Reasor to be held jointly.

The premises considered, your orator is advised that he has rights <sup>*therein*</sup> which, however, are only cognizable in a court of chancery: His prayer therefore, is: that said Lizzie Parsons, Mourning Andes, *Manerovia Humphrey, Rebecca Burron, John Reasor, Peter Reasor, Fannie Reasor, Bill Reasor and Cass Reasor* be made parties defendants to this bill of complaint: that they be <sup>*on oath*</sup> required to answer the same, but they need not do so, that being expressly waived: that an order of publication be made as the law requires in



such cases for said *Minerva Humphrey, Rebecca Barron, Peter Reason, John Reason, Fannie Reason, Belle Reason and Cass Reason* each of whom are non-residents of this state: that a guardian ad litem be appointed for *Cass Reason, Belle Reason, Fannie Reason, John Reason, Peter Reason, and Rebecca Barron* each of whom are infants under the age of twenty-one years: that on a hearing of this cause your orators account be allowed him and since there is no personalty or money out of which to pay the same, enough of the real estate of which his wife died the owner be sold to pay the same: that the residue of her said real estate be partitioned and assigned in the manner as directed by said will and to whom therein specifically directed: and that of the whole of said real estate mentioned in said deeds, your orator be given one-half in fee simple. And that all other, further and general relief be awarded your orator as the nature of his cause may require to comport with equity. And he will ever pray etc. May Spe. issue etc.

*Punington Pros.... P.C.*



Sillord Graham

vs. } Bill in Chancery

Lizzie Parsons et al

1897. 2nd May rules Spa.  
Expd on adult debts

D. N.  
" 1st June rules taken  
the last Monday in  
May D. N. Conf. as to  
adult debts & Ans. to L.  
filed for infants. & Cause  
Set for hearing



In the name of God, Amen.  
I Martha Grohans of Lin County, Va<sup>a</sup>  
do make this my last will and  
testament as follows:

I direct my body to be buried  
decently, in a manner corresponding  
to my estate and situation in life.  
And as to the worldly estate - as I  
may die seized & possessed of, I  
dispose of the same as follows.

First - after the payment of all  
my just debts I give all of my  
real estate unto my dear husband,  
for and during his life and I  
~~also~~ give unto him all my person-  
al property, chosen in action, house  
hold & kitchen furniture, together with  
all supplies & provisions I may there-  
have in my house or place of dwelling.  
Second. After the death of my said  
husband, I give all of my property  
then existing and not disposed of  
during the life of my said husband  
to my mother Mourning Andis.  
for & during her life.

Third, from and after the death  
of my said husband and also  
after the death of my said mother,



I then will, give, grant, devise &  
bequeath all of my real estate and  
such of my personal estate as shall  
at that time be left and undisposed  
of to my sister Lizzie Parsons  
and half, and one half to the  
seven children of my dear  
sister Amanda Parsons to be  
held jointly by them.

Fourth, I hereby appoint my  
said husband Dillard Grohman my  
executor of this my will, and  
desire that no security shall be  
required of him as such.

Fifth I hereby revoke all previous  
wills & codicils thereto made by me.

Witness my hand this the sixteenth  
day of August, 1893.

Martha Grohman.

Witnessed by,

John Beidle,

John H. Whitehead.

Virginia:-

At a county court-  
continued & held for Lee County  
at the court house thereof on  
Monday, May 20<sup>th</sup> 1893.



Pursuit. Hon. James M. Orr,  
Judge, Lee Co. Court.

The lost will and testament of  
Martha Grohman was this day  
produced in court and the said  
will was proved by the oath of  
John S. Whitehead, one of the sub-  
scribing witnesses thereto, who ac-  
so proved the execution of the said will  
by the testatrix, in his presence and  
in the presence of John Lucie, the  
other subscribing witness thereto, &  
that they signed the said will as  
attending witnesses thereto - at the  
request of the testatrix in her  
presence, they all three being  
then present at the signing of the  
same. Thereupon said will  
is ordered to be recorded. In  
the said Will of Martha Grohman  
she having appointed & nomi-  
nated Dillard Grohman as her  
executor and that said Grohman  
was not to give any bond,  
thereupon the said Grohman took  
the oath required by law certifi-  
cate is granted him for obtaining  
probate of the said will in



Copy  
Last will of  
Martha Brooks.

MacBroom  
Not. 1. 257.

See form.  
Copy. Not. 1. 257.  
MacBroom.  
See 11



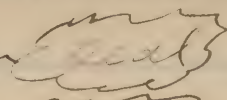
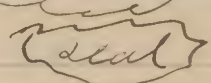
This deed made this 11<sup>th</sup> day of Jan.  
1892 between James D. Graham and  
Mary C. Graham his wife formerly  
of Lee County and state of Virginia but  
now residents of Hunt County Texas of  
the first part and Dillard Graham  
and Martha Graham his wife of  
Lee and state of Virginia of the sec-  
ond part. Witnesseth That in the con-  
sideration of the sum of \$2300<sup>00</sup> paid  
in hand to the said James D. Gra-  
ham by the said Dillard Graham  
and his wife the receipt is here by  
acknowledged. The said party of the  
first part do by these presents give  
grant bargain sell deliver and con-  
vey unto said Dillard Graham and  
his wife Martha Graham in equal  
proportions all their right title and  
interest in and to a certain tract  
or parcel of land containing 120 acres  
be the same more or less lying and  
being in the counties of Lee and state  
of Virginia on the South side of the  
Poor valley ridge and on leave  
creek and is bounded as follows  
to wit: Beginning at a rock corner to  
John E. Burks land thence S 07 W 1/4 1/3



poles to a ~~line~~ rock at James T. Lewis  
N 1/4 W 4 3/4 poles to a rock N 19 1/2 W 35 to  
a sugar tree and red oak on a spur  
of the poor valley ridge N 59 E 117 poles  
to a rock in the deep gape on the  
McCordie land a little west of a  
small branch thence with said McCordie  
line N 33 1/2 W 55 poles and 9 links to  
a rock thence N 59 E 64 poles to a  
hackberry and small juniper on the  
bank of a small branch thence run  
and with the same N 65 E 6 poles to  
a stake N 70 E 25 poles to a rock N 59 1/2  
E 9 poles N 67 1/2 E 7 poles to a stake near an  
apple tree N 80 E 15 poles to a stake opposite  
the head of a spring S 71 1/2 E 4 poles S 32 1/2  
E 9 poles S 37 1/2 E 32 poles S 56 1/2 E 9 poles  
S 47 1/2 E 13 1/4 poles to a stake on C. B.  
Howards line S 59 W 159 1/2 poles to a stake  
opposite the beginning thence 40 feet to  
the Beginning, to show and to hold  
the the going described tract or  
parcel of land except one half interest  
in the big spring and a claim on  
the west end of the farm with all  
the appurtenances unto the said William  
Graham and Martha Graham his wife



forever and the party of the first part  
covenant that he will warrant generally the  
title to the tract of land above described  
witness the following signatures and seals.

James D. Graham   
Mary C. Graham 

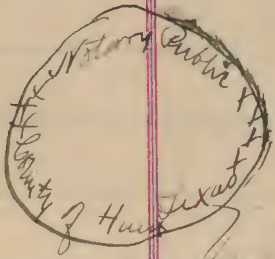
The State of Texas  
County of Hunt. I Before me a Justice  
of the Peace and ex officio Notary Public  
in and for Hunt County Texas on this  
day personally appeared James D. Gra-  
ham, and Mary C. Graham wife of  
James D. Graham known to me to be  
the persons whose names are subscribed  
to the foregoing instrument and acknowl-  
edged to me that they executed the same  
for the purpose and consideration  
therein expressed. And the said Mary  
C. Graham wife of the said James D.  
Graham having been examined by me  
privately and apart from her husband  
and having the same by me fully  
explained to her, she, the said Mary  
C. Graham acknowledged such instru-  
ment to me to be her act and deed  
and she declared she had willingly  
signed the same for the purpose and



consideration therein expressed, and  
that she did not wish to retract it,  
given under my hand and seal of office  
this the 6<sup>th</sup> day of February A. D. 1892.

W. A. Taylor J. P. & Ex officio

Notary Public Precinct no 3  
El Paso Co. Texas.



Virginia Lee County to wit;

In the office of the clerk of the  
said county the 18 day of April 1892, this  
deed was presented to me together  
with the certificate thereto annexed  
and was recorded.

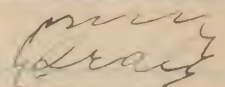
Teste John G. Gibson, clerk.

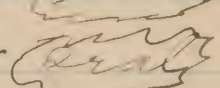


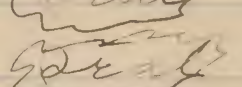
This deed made this 6<sup>th</sup> day of  
October 1872 by and between Leroy  
Barton, Ellen G. Barton and John  
R. Legg and Maria Legg parties  
of the first part and William  
Lam and Walter Graham parties  
of second part, and all of Winston  
Co., Virginia; Witnesseth That for  
and in consideration of the sum of  
five hundred dollars; Two hundred  
dollars of which sum is in hand  
paid, and the residue, Three hun-  
dred dollars with legal interest  
from the date, to be paid here-  
before May the 1<sup>st</sup> 1873, the said par-  
ties of the first part, do and each  
of them doth hereby give, grant,  
convey, sell, convey, and deliver  
with covenants, warranties certain  
and of record of lands lying and  
being in Lee County, Virginia in  
the town of Winston, the said Virginia  
and known in the plat and  
plan of said town as lot num-  
ber four in block number three,  
which plat is of record in the  
County Court Clerk's Office of the  
County of Virginia. To Have and

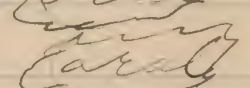


to hold said lot or parcel of land  
together with all its improvements  
and appurtenances unto the par-  
ties of the second part and their  
heirs forever. And said parties  
of the first part do hereby con-  
sent to warrant forever the  
title to said lot, its improvements  
and appurtenances. Witness the  
following signatures and seals this  
day and year first above written.

H. Barton. 

Ellen F. Barton 

J. R. Legg 

Wm. C. Legg 

Virginia Lee County to wit:

I E. W. Pennington, a notary  
public in and for the County and  
State of said do hereby certify  
that Henry Barton, Ellen F. Barton  
John R. Legg and Wm. C. Legg,  
whose names are signed to the  
writing above bearing date on  
the 6<sup>th</sup> day of October, 1872 have ac-  
knowledgeed the same before me  
in my county aforesaid. Given un-  
der my hand this the 6<sup>th</sup> day of  
October, 1872.

E. W. Pennington N.P.



Virginia Lee County - to wit:

In the office of the clerk  
of said county the 21<sup>st</sup> day of  
May 1894, this deed was present-  
ed, and together with the cer-  
tificate thereon was admitted  
to record.

Teste: J. V. H. Richmond, clerk



(11)

Virginia,

In the Circuit Court of Lee County.

-----  
To the Hon. W. T. Miller, Judge of said Court:

-----The demurrer and answer of Mourning Andis, Lizzie <sup>Parsons</sup> ~~Parson~~ and ~~Min~~ Minerva Humphrey to a bill filed in this Honorable Court against these respondents and others by Dillard Graham. Respondents say that plaintiff's bill is not sufficient in law to call upon them to answer in this Honorable Court, and they demur to the same and pray judgement of their said demurrer. And not waiving said demurrer, but relying ~~on~~ and insisting thereon, should further answer be required of them, answering, they say: That it is true that Mattie Graham, deceased, was the wife of the plaintiff; and that she before her death made or attempted to make her last will and testament, by which she disposed of ~~her~~ her real and personal property as in said will is shown, providing ~~for~~ for her funeral expenses, payment of her ~~debts~~ debts, etc., and then otherwise disposing of her said real and personal property as provided in said will; and it is likewise true that said Mattie owned a moiety of the 80 acre tract of land in the bill mentioned, and of the lot in Pennington Gap in said bill mentioned; it is also true as they suppose that the plaintiff qualified as executor of said will and took charge of the personal and real estate of the said testatrix. But it is not true that the said Mattie Graham at the time of her death left no ~~chose~~ choses in action, money or personal property, except a little household and kitchen furniture; and it is not true that she by her said last ~~will~~ will gave, outright, to the plaintiff all her personal property, choses in action, etc., but upon the contrary it will be seen from ~~reading~~ reading, and upon proper construction of, said will, that she only gave to the plaintiff her real and personal property for life, and at his death the same to go to your respondent, Mourning Andis, and at her death to testatrix's sister, your respondent, Lizzie Parsons, and the ~~Reasor~~ Reasor children. This manifestly appears from the reading of the Third clause of said will in connection with the other clauses. The said Mattie Graham died without issue: ~~Yenx~~

Your respondents will further represent ~~and~~ shew unto your Honor, in ~~contrevention~~ ~~of~~ ~~plaintiff's~~ ~~bill~~.



(1) in contravention of the object of plaintiff's bill to sell the ~~testatrix~~  
 (2) testatrix interest in said real estate and apply the proceeds to re-  
 (3) imburse him the amounts he claims to have paid for her funeral expenses,  
 (4) debts, etc., that when the said plaintiff and his said wife were mar-  
 (5) ried in the year 1884, or 1885, the plaintiff had nothing, while the  
 (6) said Mattie was worth from \$2000.00 to \$3000.00 in money, land, etc.,  
 (7) that had descended to her from her Father, Thomas Pennington, deceased,  
 (8) and the real estate in the bill mentioned, that is, the 120 acre tract  
 (9) of land, and the lot in Pennington Gap were purchased with her money,  
 (10) but the deeds were in some way or other made to her and her said hus-  
 (11) band jointly, and after the 40 acres was sold off of the 120 acre tract  
 (12) to M. L. Slomp for \$1000.00, this money was invested in the mercantile  
 (13) business at Pennington Gap, and a store house was purchased at the  
 (14) price of \$500.00, and this store house and lot is the lot in the bill,  
 (15) and copy of deed with the bill, mentioned; They also purchased an ad-  
 (16) joining lot on which they built a dwelling house, and which dwelling  
 (17) house and lot ~~was~~ reasonably worth \$1000.00, and at the time of the  
 (18) death of the said Mattie there was a stock of goods on hands in said  
 (19) store house worth at least \$1000.00, and perhaps some \$400.00 or \$500.  
 (20) 00 due the store for goods. And she and her said husband owned at the  
 time of her death live stock consisting of horses, cattle, hogs, etc.,  
 worth several hundred dollars, besides considerable household and kitch-  
 en furniture, some of which she owned at the time of her marriage, and  
 some ofcourse acquired afterwards, but acquired with or from the pro-  
 ceeds of her money invested and used by herself and her said husband.

(26) Now, your respondents allege, as before stated, that the plaintiff,  
 (27) at the time of his marriage with his said wife, was not worth anything,  
 (28) and all of the property afterwards acquired by them both real and per-  
 (29) sonal was purchased with her means, or acquired by the use and ~~investment~~  
 (30) investment of her means, and if she permitted the real estate, pur-  
 (31) chased with her money, to be conveyed to them jointly, it was a gratuity  
 (32) upon her part, and she at the time of her death was the owner of at  
 (33) least one-half of all the personal property owned by them at that time,  
 (34) including the stock of goods, debts due, etc., and the personal ~~property~~  
 (35) pr operty that came to the plaintiff's hands as executor was consider-  
 (36) ably more than sufficient to pay any funeral expenses, debts, etc.,  
 (37) that might have been incurred by him in ~~burying~~ burying his said wife



and marking her last resting place, and paying the physicians their bills for attendance upon her during her last illness. And your respondents have learned somewhere either in the law, or from the dictates of what they trust is the proper conscience, that it is the duty of the man, both legally and morally speaking, to bury his wife, and it causes them to blush to hear the charge here attempted to be asserted by the plaintiff in his bill for doing what was his duty to do, even if at his own expense, which was not the case, as the decedent left ~~personal~~ personal property more than sufficient to pay said expenses, and they deny the right of the plaintiff to assert and maintain his action in a Court of Conscience for the claim he seeks to set up, or to subject said real estate to <sup>its</sup> the payment in any view of the case. He can not take a valuable estate for life under the will and then bring up a debt for funeral expenses, etc., and tomb stones erected at ~~the~~ grave of his own wife, and thus gobble up the real estate after he has used and appropriated unto himself the personalty. But <sup>we</sup> have here the remarkable spectacle of a husband, as devisee under his wife's will, attempting to assert a claim against her estate for funeral expenses, ~~and~~ doctor bills paid, and ~~xx~~ tomb stones erected at her grave, and to enforce the same against the real estate when there was ample personal estate left to pay these expenses and more too.

And now having answered they ~~may~~ pray to be hence dismissed with their reasonable costs.

W. K. Hopkins.

+ Or + Bankership. P. D.



The filing of this answer is objected to by the  
plaintiff because it contains matter that is  
impertinent. These respondents have gone  
out of the way to state matter not material  
to this defense. All the answer from the  
last line on page one to and including  
lines 1 to 20 & 26 to 32 on page two are  
prayed to be stricken out at their costs.  
Punington Bros  
p. p.

Mourning Audis et al.

ad 3 answer

Lillard Graham

Filed in open Court  
and by leave thereof  
June 9th 1897.

A. B. Munsey Clerk



Virginia:

Circuit Court for Lee County:

To the Hon. W. L. Miller, Judge of the  
said Court:

The joint and separate answer of  
Cass Reasor, Bell Reasor, Fannie Reasor,  
John Reasor, Peter Reasor and Rebecca  
Barrow, infants under the age of twenty-  
one years, by L. T. Hyatt, their guar-  
dian ad litem, assigned to defend  
them in this suit, to a bill of com-  
plaint exhibited against them and  
others, in the said Court, by Willard  
Graham:

Respondents, reserving to themselves  
the benefit of all just exceptions to  
the said bill, for answer thereto, or to  
so much thereof as they are advised  
that it is material they should an-  
swer, by their said guardian ad  
litem, answer and say:

That they are infants of tender  
years, and by reason of their infancy,  
are incapable of understanding, or of  
taking care of their rights and interests.  
They, therefore, by their said guardian,  
commend themselves and their said  
rights and interests to the protection of  
the Court, and pray that no decree



may be pronounced which will tend to  
their prejudice.

And now having fully answered, the  
said respondents pray to be hence dismissed  
with their reasonable costs in this behalf ex-  
pended, and they will ever pray &c.

L. F. Hyatt, Guardian ad litem for  
Cass Reasor,

Belle Reasor,

Fannie Reasor,

John Reasor,

Peter Reasor,

And Rebecca Barrow.

Virginia, Lee County, to wit:

I, A. B. Munssey, Clerk of the Circuit  
Court for the County aforesaid, do certify  
that L. F. Hyatt this day made oath before  
me that the statements made in the fore-  
going answer are true as he is inform-  
ed and believes. Given under my hand  
this the 24<sup>th</sup> day of May 1899.

A. B. Munssey Clerk



Dillard Graham

vs <sup>3</sup>/<sub>3</sub> Leaucery

Lizzie Parsons et als.

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Answer of Infant  
Defendants, by L. T.  
Hyatt, their guardi-  
an ad litem.

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Filed May 24<sup>th</sup> 1897

A. B. Munsey  
Clerk



Siecard Graham

vs. } Bickel Leuncy

Lizzie Parsons Atty

1897 2nd May rules Sp & 2d as to  
the adult Defts & D. as to them  
11 1st June rules taken the last  
Monday in May & it could  
be no S. A. L. file for infants  
& Cause set for hearing  
June term Decree could  
not term 1897 Decree  
final see Chy C.B. 6  
Page 80.

Pleffs Costs

Clerk	8.28
Tax	1.50
Shff	3.00
Printer	8.00
Cours	18.00
atty	15.00

350.78

5.00



Dillard Graham Complt.  
vs  
Lizzie Parsons et al Deft. } In Chancery.

This cause came on this day to be heard upon the papers formerly read therein, and the report of Commrs. L. M. Carmichael, Wm. A. Gilley, J. R. Lutz & M. L. Slump filed herein on Oct. 1<sup>st</sup> 1897, and was argued by counsel: On consideration of all which and for reasons appearing to the Court it is adjudged, ordered, and decreed that said report and partition be and are hereby confirmed, and that said Complainant take and hold in fee-simple lot No. four in block no. three in the town of Remington Gap, and also lot No. One shown in the plat and report of said Commissioners, and that said Dillard Graham take and for his life lot No. two shown in the plat and report of said Commissioners, and after his death then to Mauring Andes for life, and after the death of said Graham and Andes, then to said



Lizzie Parsons in fee simple  
one undivided moiety of said  
lot no. two and the other moiety  
of the same to Cass Reason,  
Bill Reason, Fannie Reason, John  
Reason, Peter Reason, Rebecca ~~Baron~~  
Baron and Minerva Humphrey.  
And it is further adjudged,  
ordered and decreed that said  
Complainant pay ~~one~~ <sup>the</sup> half of the  
taxable costs of this suit ~~and~~  
~~that Mouring Ades, Lizzie~~  
~~Parsons, Cass Reason, John Reason,~~  
~~Bill Reason, Fannie Reason, Peter~~  
~~Reason, Rebecca Baron and Mi-~~  
~~nerva Humphrey pay the other~~  
~~half of the costs.~~

And the clerk of this court  
will transmit sufficient of  
the orders of this court showing  
the direction of the partition of  
said land and the confirmation  
of such partition and the report  
and plat of said Commissioners  
to the Clerk of County Court to  
be recorded by him. And nothing  
further to be done herein, this cause  
is stricken from the docket.



Lillard Graham

no { Deer final

Lizzie Parsons &

Est. C. O. B. No. 6 p. 80.

Enter this  
Nov 9<sup>th</sup> 1897

M. L. M.



(make 4 copies)

Virginia

At a Circuit Court Continued and held  
for Lee County at the Court-house thereof  
on Monday, the 14<sup>th</sup> day of June 1897.

Dillard Graham Complainant

vs

Lizzie Parsons et al Defendants

In Chancery

This Cause came on this day to be heard  
upon the bill of the Complainant and exhibits  
filed therewith, the demurrer and answer of  
Mourning Andis, Lizzie Parsons, and Minerva  
Humphrey, with exceptions thereto, the  
answer of Cass Reaser, Belle Reaser, Fannie  
Reaser, John Reaser, Peter Reaser, and Rebecca  
Barron, infants by L. T. Hyatt their Guardian  
ad litem, and replication to each of  
said answers. On consideration of all  
which, and for reasons appearing to the  
Court, said defendants demurrer is over-  
ruled. And it is adjudged ordered and  
decreed that Wm T Kilby, L M Carnical,  
J. R. Legg, and M. L. Slump (any three of  
whom may act) who are hereby appoint-  
ed Commissioners for the purpose, will  
as soon as practicable go upon the lands  
in the bill and proceedings mentioned  
and partition the same among said.



Complainant and defendants and assign  
one half thereof in Value in fee to Said  
Complainant, the residue thereof to Said Com-  
plainant for his life, then to Mourning Andis  
for her life, if she be living at the death  
of Said Complainant, and after the death  
of Said Complainant and Said Mourning  
Andis, Such moiety so assigned to them  
for their lives they will assign the residue  
~~thereof~~ in fee Simple one half to Said  
Lizzie Parsons, and the other half to Said  
Seven Reesor Children jointly. And Said  
Commissioners will report their action  
to Court. And this Cause is Continued

A Copy

Teste A B Munsey Clerk

Lillard Graham  
w/ Copy Decees  
Lizzie Parsons

Entered Aug 7<sup>th</sup> 1897

by delivering a true

copy of the within

Decees to W. J. Gilley

L. W. Carmichael J. R.

Legg & M. L. Slomberg

W. O. Weston S. L. C.

Copies for W. J. Gilley  
L. W. Carmichael & R  
Legg & M. L. Slomberg

Clerk 2.00



Willard Graham Complt

vs.

Lizzie Parsons et al Dfts

} M Chen.

This cause came on this day to be heard upon the file of the Complainant, and exhibits filed therewith, the <sup>decedent's</sup> answer of Mouring Andes, Lizzie Parsons & Minerva Humphrey, with exceptions thereto, the answer of Leass Reesor, Belle Reesor, Fannie Reesor, John Reesor Peter Reesor and Rebecca Barrow infants by L. A. Hyatt their guardian ad litem, and replication to each of said answers. On consideration of all which, and for reasons appearing to the court, said defendants answer is overruled, and likewise the exceptions of said Complainant to said answer is overruled; And it is adjudged, ordered and decreed that Wm. A. Gilly, L. M. Learmichael, M. C. Slump and J. R. Ligg, four of whom may act, who are hereby appointed commissioners for the purpose, well as soon as practicable go upon



The lands in the bill & proceedings  
mentioned and partition the same  
among said Complainant, and  
defendants, and assign one-  
half thereof <sup>in value</sup> in fee to said Com-  
plainant, the residue thereof  
to said Complainant for his life,  
then to Mouring Andes for her life,  
if she be living at the death of  
said Complainant, and after the  
death of said Complainant and  
said Mouring Andes such moiety  
so assigned to them for their  
lives they will assign the re-  
version in fee one-half to said  
Lizzie Parsons, and the other  
half to said seven Orator Chil-  
dren jointly. And said Commissioners  
will report their action to Court.  
And this cause is continued.



Lillard Graham

vs } Deceit No. 1

Lizzie Parsons Hal

C.O.B. to C.P. 10

Entire Thio  
June 14/97  
W. F. M.



Virginia:

Lee County, to-wit:-

This day Lillard Graham appeared in person before me, a notary public in and for the county and State aforesaid and made oath that Winervia Hundray, Rebecca Eason, Peter Eason, John Eason, Fannie Eason, Belle Eason, and Wess Eason, against whom he is about to institute a suit in equity in the Circuit Court for Lee County, <sup>are</sup> non-residents of this Commonwealth.

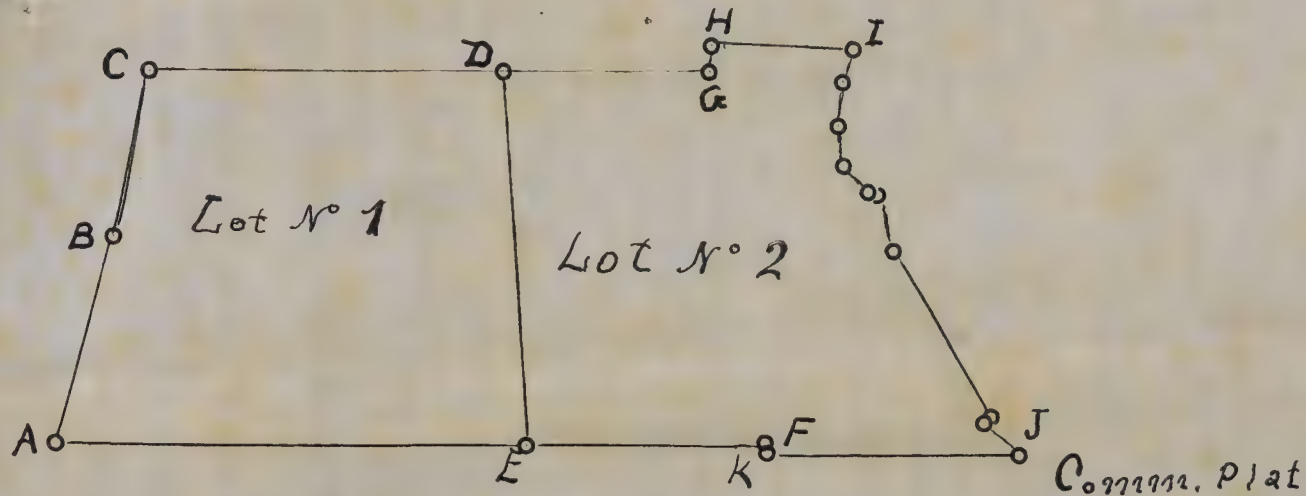
Given under my hand this the 21st. day of April. 1897.

*A. G. Bryant*..... J. E.



Dillard Graham  
vs Affidavit  
Lezzie Parsons et al





Dillard Graham  
vs  
Lizzie Parson et.  
Aug 1897



Dillard Graham  
VS  
Lizzie Parson et al } In Chy

Pursuant to an Order of the Circuit Court of Lee County Va. We the undersigned Commissioners Wm T Hilley L. M. Carnicel J. R. Legg and W L Slump have partitioned the lands in the bill and proceedings mentioned in the above styled Cause, according to the following plat & report.

Said Lands consist of two Tracts or parcels; namely, a lot in the town of Pennington Gap and about 80 acres near thereunto. We have laid off and assigned to Dillard Graham in fee, what we consider one half thereof in value. Composed of said town lot and the western end of said 80 acre tract, which is bounded as follows; to wit, Beginning at (A see Plat) a rock corner to Wilkeson Cecils land thence with original lines of tract N 15½ W 44 poles to a rock & 18 W 35½ poles to a sugar tree and red oak on top of a spur N 60 E 73½ poles to (D) a stake on a steep hill side, and corner to lot No 2 thence with line of same S 40½ E 80 poles to a stake on the south line,



of the original tract and with the same  
S 59 W 98 p to the beginning Containing 40  
Acres More or less. See Lat N<sup>o</sup> 1. Lettered  
A. B. C. D. E. - A

The residue of said lands, or Lat N<sup>o</sup> 2,  
we have laid off and assigned to said  
Billard Graham for his life, then to  
Mourning Andis for her life, if she  
be living. And after the death of said  
Graham and said Andis, we assign  
one half of said Lat N<sup>o</sup> 2 to Dizzie  
Parsons and the other one half to  
the heirs of John Reazor (deceased) as are  
mentioned in decree; namely Capt Reazor,  
Belle Reazor, Fannie Reazor, John Reazor, Peter  
Reazor, Rebecca Barrens and Marner Humphrey.  
Said tract so assigned is bounded  
as follows to wit: Beginning at (F) a  
rock, thence with the south line of  
tract S 59 W 50 poles to a stake thence  
N 40 1/2 W 80 poles to a stake on the North  
line of tract, and with the same  
N 60 E 43 1/2 poles to (G) a rock in a deep gap  
on the McCordie line, and a little west of  
a small branch, thence with the  
McCordie line N 32 W 5 poles and nine links  
to a rock N 60 1/2 E 30 poles to (H) a stake on  
the top of a spur thence with the top of



of said spur and further Slamps line  
 S 19 E 8 poles S 32 E 9 poles S 49 E 8 poles S 77 1/2 E  
 4 1/2 poles S 85 E 2, <sup>52</sup>/<sub>100</sub> poles S 51 E 13 1/2 poles  
 to a double maple S 70 1/2 E 43 poles to a  
 stake in the south edge of a pond thence  
 S 34 W 1, <sup>6</sup>/<sub>10</sub> poles to a stake near a large apple  
 tree S 85 E 11 poles to a stake and Gate post  
 thence with the south original line  
 of tract S 60 1/4 W 53 poles to a rock  
 N 35 W 2 1/2 poles to the beginning  
 Containing 40 acres More or less  
 See Fig F. E. D G H. I. J K - F.

All of which is most respectfully  
 Submitted August 13<sup>th</sup> 1897

L. M. Carnical  
 Wm T. Lilly  
 J. R. Legg  
 W. L. Slamps.

Bill of Cost  
 L. M. Carnical comm. & sur \$10.00  
 W. T. Lilly " 1 day 2.00  
 J. R. Legg " 1 " 2.00  
 W. L. Slamps " 1 " 2.00  
 Polk Kelly Chan Carver 2.00



Virginia, Lee County, to wit:

In the Office of the Clerk of the  
County Court for said County,  
the 12<sup>th</sup> day of July, 1899. This  
partition, and decrees accompan-  
ing the same, was presented, and  
admitted to record.

Teste: B. M. Morgan, clerk.

Dillard Graham

vs

Lizzie Parsonchal

Com. Report

of Division of Land

Filed Oct 14<sup>th</sup> 1899

A B Munsey CLK

Recorded in Deed

Book 1034 p 517  
cc



The Estate of Martha Graham Deed.

In account with

1895

~~Pay to the order of~~ R. L. Hood & Sons

To one coffin ..... \$20.00.

Received from Dillard Graham executor of the estate of Martha Graham  
Twenty-~~two~~ dollars in full for the above account.

This the 4 day of May 1895.

R. L. Hood & Sons



The Estate of Martha Graham, decd..

In account with

1897

Geo. F. Clark.

To medical services rendered the said Martha in her last  
Illness. .... \$10.00.

This is to certify that Dr. G. F. Clark, personally appeared before  
me, the undersigned, a *Justice of the Peace* in and for  
the county of Lee and State of Virginia, and made oath that he render-  
ed the services charged in the foregoing account during the last  
illness of the of the said Martha Graham; that the said charges are  
reasonable and just; and that said account was paid him by Dillard  
Graham. Given under my hand, this the 18 day of May, 1897.

..... J. B. Noel J.P.

This is to certify that ... *P. H. Allen* ... personally  
appeared before me a *Justice of the Peace*, in and for the  
county of Lee and State of Virginia, and made oath that he knows that  
the said Dr. Clark attended upon the said Martha Graham during her last  
illness, which lasted something like a year or more. Given under my hand  
this the 18 day of May, 1897.

..... J. B. Noel J.P. ....

Received from Dillard Graham, executor of the estate of Martha Graham,  
Ten dollars in full for the above account.

..... *Geo. F. Clark* .....



The Estate of Mattie Graham.

In accordance with Dr. D. H. Howard.

and the following services rendered and received by Mattie Graham last illness..... 16.00.

This is to certify that Dr. D. H. Howard personally appeared before me, the Justice of the Peace, and for the County of Lee and State of Virginia, and being duly sworn, he testified that he knows the said Mattie Graham and that she is the same person who was last ill; that the above services were rendered to her; and that the account was given under oath on this 13 day of May, 1897.

..... J. C. Noel J.P. =

This is to certify that Joe Howard, Justice of the Peace, for the County of Lee and State of Virginia, and being duly sworn, he testified that he knows the said Mrs. Mattie Graham and that she is the same person who was last ill; that the above services were rendered to her; and that the account was given under oath on this 13 day of May, 1897.

..... J. C. Noel J.P.

Received from William Graham, executor of Mrs. Mattie Graham, Sixteen & 9/100 dollars, in full for the above account.

W. H. S. Saccard

.....



The Estate of Mattie Graham.

In Account with Dr. F. H. Allen.

to medical services rendered her in her last illness, and also medicines furnished her during her last illness..... \$73.51.

This is to certify that Dr. F. H. Allen personally appeared before me, the undersigned, *Justice of the Peace* in and for the County of Lee and State of Virginia, and made oath, that he rendered the services and furnished the medicines to Mrs. Mattie Graham charged in the foregoing account, during her last illness; that said charges are reasonable and just; and that they have been paid as by Willard Graham, the executor of said Mattie Graham. Given under my hand this 13 day of May 1897.

..... J. C. Noel J. P.

This is to certify that *Geo. H. Clark* personally appeared before me, the undersigned, *Justice of the Peace* in and for the County of Lee and State of Virginia, and made oath, that he knows that Dr. F. H. Allen attended upon Mrs. Mattie Graham during her last illness, which lasted something like a year or more, and that he made frequent visits to see her, Given under my hand this 18 day of May 1897.

..... J. C. Noel J. P.

Received from Willard Graham, executor of Mrs. Mattie Graham, Seventy-two and 71/100 Dollars in full of the above account.

..... P. H. Allen



In the Clerk's Office of the Circuit Court of the County of  
Lee on the 21st day of April 1897.

Dillard Graham

Plaintiff

against

*In Chancery*

Sizzie Parsons. Mourning Andis. Minerva Humphreys  
Rebecca Barron John Reesor. Peter Reesor. Fannie  
Reesor Belle Reesor & Leas Reesor

Defendant. S

The object of this suit is to have repaid to complainant \$243.80 which  
he paid out for Mattie Graham deceased, and to partition the  
real estate jointly held by her and said complainant at her  
death

And an affidavit having been made and filed that the defendant Minerva Humphries. Rebecca

Barron John Reesor. Peter Reesor. Fannie Reesor. Belle Reesor & Leas Reesor  
are not resident of the State of Virginia, it is ordered that they do appear here, within fifteen days

after due publication hereof, and do what may be necessary to protect their interest in this suit. And it is

further ordered that a copy hereof be published once a week for four weeks in the South West

Virginian, and that a copy be posted at the front door of the court-house of this County

on the first day of the next term of the Circuit Court.

A copy—Teste:

Pennington Bros

p. q.

A. B. Mursey

Clerk.



Billard Graham

VS.

ORDER  
OF  
PUBLICATION.

Lizzie Parsons et al

Virginia Lee County to wit:  
J. A. B. Munsey Clerk of  
the Circuit Court for Lee  
County do hereby Certify  
that I posted a copy of  
the within order of pub-  
lication at the front  
door of the Court house  
of Lee County on the 1st  
day of the May term  
of County Court.  
Given under my hand  
this the 24th day of May  
1897 J. A. B. Munsey Clerk



In the Clerk's Office of the Current Court of the \_\_\_\_\_ of \_\_\_\_\_

Dillard Graham Plaintiff  
against

In Chancery

Lizzie Parsons et al Defendant &.

This day Floyd Warner personally appeared

before me, \_\_\_\_\_ Clerk of the said Court,

and being duly sworn, made oath that.

Minerva Humphrey, Rebecca Barron  
John Reasor, Peter Reasor, Fannie Reasor, Belle Reasor, D.  
Cass Reasor

defendant & in the said suit are not resident & of the State of Virginia,

Given under my hand has Clerk of the said Court, this

21st day of April

AB Munsey Clerk

1897



Dillard Graham

vs.

}

AFFIDAVIT FOR ORDER  
OF  
PUBLICATION.

Lizzie Parsons et al

P Bros

p. q.

Filed April 21st 1897.  
A B Munsey Clerk



# The Commonwealth of Virginia, *Wise*

To the Sheriff of the County of ~~Lee~~ *Wise* Greeting:

We command you to summon *Lizzie Parsons, Mourning*  
*Andis, Minerva Humphrey, Rebecca Barron, John*  
*Reason, Peter Reason, Fannie Reason, Belle Reason, Isaac Reason*  
to appear at the Clerk's office of our Circuit Court of the County of Lee, at the court-house thereof, at the  
Rules to be holden for said court, on the *3rd* Monday in *May*, 189*7*, to answer  
a bill in Chancery, exhibited against *them* in our court by  
*Dillard Graham*

And have then there this writ.

Witness, A. B. MUNSEY, Clerk of our said court, at the court-house, the *22<sup>nd</sup>* day of

*April* 189*7*, and in the 12/*st* year of the Commonwealth.

A copy—Teste:

*A. B. Munsey* Clerk.  
Clerk,



Wise

Dillard Graham

SUBPENA

vs. {

IN CHANCERY.

Lizzie Parson et al  
Perrington Bros. P. Q.

TO 2<sup>nd</sup> May Rules. 1897

CIRCUIT COURT.

Executed by  
delivery of office  
copy of the within  
to Lizzie Parson  
one of the within  
named defendants  
on or about 3-18-17

J. T. Miller

U. W. C.

LE 54  
0-51  
1-29  
-54



# The Commonwealth of Virginia,

To the Sheriff of the County of Lee Greeting:

We command you to summon *Lizzie Parsons Mourning*  
*Andis. Minerva Humphrey, Rebecca Barron, John Reason*  
*Peter Reason, Fannie Reason, Belle Reason & Cass Reason*  
to appear at the Clerk's office of our Circuit Court of the County of Lee at the court-house thereof, at the  
Rules to be holden for said court, on the *3rd* Monday in *May*, 189*7*, to answer  
a bill in Chancery, exhibited against *them* in our court by  
*Dillard Graham*

And have then there this writ.

Witness, A. B. MUNSEY, Clerk of our said court, at the court-house, the *22<sup>nd</sup>* day of

*April* 189*7*, and in the 12<sup>*th*</sup> year of the Commonwealth.

A copy—Teste:

*A. B. Munsey* Clerk.



---

Dillard Graham

SUBPCENA

vs. {

IN CHANCERY.

Lizzie Parsons

Purmountain Bro. P. Q.

TO 2<sup>nd</sup> May Rules. 1897

CIRCUIT COURT.

---

Executed April 24-  
1897 by delivering  
an attested office copy  
of the within to  
Manning Andis in  
Lee County Virginia  
This April 27-1897  
W. P. Weston S. L. C.



❁ CERTIFICATE OF ORDER OF PUBLICATION. ❁

*E. M. Goins*  
We, A. M. Goins and W. M. Davidson, editors of the SOUTHWEST VIRGINIAN, a weekly newspaper published at Jonesville, Lee county, Va., do hereby certify that the annexed notice was published in said paper once a week for four successive weeks, commencing on the

21st day of April 1897.

*A. M. Goins*  
*W. M. Davidson* } EDITORS.

*Five \$5.00*

VIRGINIA—In the Clerk's Office of the Circuit Court of the County of Lee on the 21st day of April 1897

Dillard Graham, Plaintiff,  
against

Lizzie Parsons, Monervia Andis, Monervia Humphrey, Rebecca Barron, John Reasor, Peter Reasor, Fannie Reasor, Bell Reasor and Cass Reasor, D't's  
IN CHANCERY.

The object of this suit is to have repaid to the complainant \$343.80 which he paid out for Mattie Graham Dec'd, and to partition the real estate jointly held by her and said complainant at her death. And an affidavit having been made and filed that the defendants Monervia Humphrey, Rebecca Barron, John Reasor, Peter Reasor, Fannie Reasor, Bell Reasor and Cass Reasor are not residents of the State of Virginia, it is ordered that they do appear here, within fifteen days after due publication hereof, and do what may be necessary to protect their interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the Southwest Virginian, and that a copy be posted at the front door of the court-house of this county on the first day of the next term of the County Court. A copy—Teste:

A. B. Munsey, Clerk.  
Pennington Bros. p. q. 4 14 4-22



Deiland Grobman

vs

Lizzie Parsons et al.

Certificate of Publication